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DAVID N. ROBERTS*
MARVIN ROSENBERG
STEPHEN R. ROSS
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TIMOTHY R. SCHNACKE**
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SPECIAL COUNSEL
JAMES L. HOFFMAN, JR.

TELECOMMUNICATIONS CONSULTANT
HON. ROBERT E. LEE

WRITER'S NUMBER
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November 22, 1991

RECEIVED

NOV 22 1991

Federal Communications Commission
Office of the Secretary

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

Re: Valley Public Television, Inc.
File No. BPET-900904KF
Bakersfield, California

Dear Ms. Searcy:

Transmitted herewith, on behalf of Valley Public Television, Inc., applicant for a construction permit for a new noncommercial educational television station on Channel *39 at Bakersfield, California, are an original and two copies of its amendment to the above-referenced application. A Petition for Leave to Amend is being transmitted simultaneously herewith.

As Valley Public Television, Inc., licensee of KVPT-TV, Channel 18, Fresno, California, is a noncommercial educational broadcast licensee, no filing fee is required.

Should any questions arise concerning this matter, please communicate with this office.

Very truly yours,



Timothy R. Schnacke
Counsel for
Valley Public Television, Inc.

Enclosures

ORIGINAL

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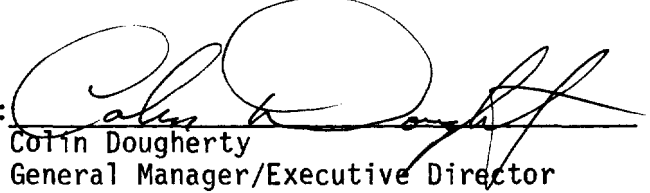
Federal Communications Commission
Office of the Secretary

AMENDMENT

The application of Valley Public Television, Inc. for a construction permit for a new noncommercial educational television station on Channel *39, Bakersfield, California (File No. BPET-900904KF), is hereby amended to include the attached material.

VALLEY PUBLIC TELEVISION, INC.

By:


Colin Dougherty

General Manager/Executive Director

Dated: November 19, 1991

APPLICATION FOR CONSTRUCTION PERMIT FOR
NONCOMMERCIAL EDUCATIONAL BROADCAST STATION
(Carefully read instructions before filing form) Return only form to FCC

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Section I - GENERAL INFORMATION

For Commission Use Only

File No.

1. Name of Applicant Valley Public Television, Inc. Federal Communications Commission Office of the Secretary		
Street Address or P.O. Box 733 L Street		
City Fresno	State CA	ZIP Code 93721
Telephone No. (Include Area Code) (209) 266-1800		

Send notices and communications to the following person at the address below:		
Name Mr. Colin Dougherty General Manager		
Street Address or P.O. Box 733 L Street		
City Fresno	State CA	ZIP Code 93721
Telephone No. (Include Area Code) (209) 266-1800		

2. This application is for:

☐

AM

☐

FM

☒

TV

(a) Channel No. or Frequency #39-

(b) Principal Community	City	State
	Bakersfield	CA

(c) Check one of the following boxes:

☐

Application for NEW station

☐

MAJOR change in licensed facilities; call sign:

☐

MINOR change in licensed facilities; call sign:

☐

MAJOR modification of construction permit; call sign:

File No. of construction permit:

☐

MINOR modification of construction permit; call sign:

File No. of construction permit:

☒

AMENDMENT to pending application; application file number:

BPET-900904KF

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Section I and those other portions of the form that contain the amended information.

3. Is this application mutually exclusive with a renewal application?

☐

Yes

☒

No

If Yes, state:	Call letters	Community of License	
		City	State

Section II - LEGAL QUALIFICATIONS

Name of Applicant

Valley Public Television, Inc.

1. Applicant is: *(Check one box below)*

- ☐ (a) governmental or public educational agency, board or institution
- ☐ (b) private nonprofit educational institution
- ☒ (c) Other *(specify)* Applicant is a not-for-profit, non-stockholder corporation.
All board members have one vote.

2. For applicants 1(c) only, describe in an Exhibit the nature and educational purposes of the applicant.

Exhibit No.
A

3. For applicants 1(c) applying for a new noncommercial educational television station only, describe in an Exhibit how the applicant's officers, directors and members of its governing board are broadly representative of the educational, cultural and civic segments of the principal community to be served.

Exhibit No.
B

4. Describe in an Exhibit how the proposed station will be used, in accordance with 47 C.F.R. Section 73.503 or Section 73.621, for the advancement of an educational program.

Exhibit No.
1

5. Is there any provision contained in any by-laws, articles of incorporation, partnership agreement, charter, statute or other document which would restrict the applicant in advancing an educational program or complying with any Commission rule, policy or provision of the Communications Act of 1934, as amended?

☐ Yes ☒ No

If Yes, provide particulars in an Exhibit.

Exhibit No.

CITIZENSHIP AND OTHER STATUTORY REQUIREMENTS

6. (a) Is the applicant in violation of the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments? (See Instruction B to Section II.)

☐ Yes ☒ No

(b) Will any funds, credits or other financial assistance for the construction, purchase or operation of the station(s) be provided by aliens, foreign entities, domestic entities controlled by aliens, or their agents?

☐ Yes ☒ No

If the answer to (b) above is Yes, attach an Exhibit giving full disclosure concerning this assistance.

Exhibit No.

7. (a) Has an adverse finding been made or an adverse final action taken by any court or administrative body as to the applicant or any party to this application in a civil or criminal proceeding brought under the provisions of any law related to the following:

Any felony; broadcast related antitrust or unfair competition; criminal fraud or fraud before another governmental unit; or discrimination?

☐ Yes ☒ No

(b) Is there now pending in any court or administrative body any proceeding involving any of the matters referred to in (a) above?

☐ Yes ☒ No

If the answer to (a) and/or (b) above is Yes, attach an Exhibit giving full disclosure concerning persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), a statement of the facts upon which the proceeding is or was based or the nature of the offense alleged or committed, and a description of the current status or disposition of the matter.

Exhibit No.

PARTIES TO APPLICATION

8. Complete the following Table with respect to all parties to this application:

(NOTE: If the applicant considers that to furnish complete information would pose an unreasonable burden, it may request that the Commission waive the strict terms of this requirement with appropriate justification.)

INSTRUCTIONS: If applicant is a corporation or an unincorporated association with 50 or fewer stockholders, stock subscribers, holders of membership certificate or other ownership interest, fill out all columns, giving the information requested as to all officers, directors and members of governing board. In addition, give the information as to all persons or entities who are the beneficial or record owners of or have the right to vote capital stock, membership or ownership interests or are subscribers to such interests. If the applicant has more than 50 stockholders, stock subscribers or holders of membership certificates or other ownership interests, furnish the information as to officers, directors, members of governing board, and all persons or entities who are the beneficial or record owners of or have the right to vote 1% or more of the capital stock, membership or ownership interests. If applicant is a governmental or public educational agency, board or institution, fill out columns (a), (b), and (c) as to all members of the governing board and chief executive officers.

Name and Residence Address(es) (a)	Office Held (b)	Director or Member of Governing Board		% of: Ownership (O) or Voting Stock (VS) or Membership (M) (d)
		YES	NO	
		(c)		
William M. Lyles 4903 N. Van Ness Fresno, CA 93704	Director (Chairman)	X		*
Mary Louise Vivier 3350 W. Harvard Court Visalia, CA 93291	Director (Vice Chairman)	X		*
John Wissler 10134 Highway 145 Madera, CA -- Mail to: Post Office Box 660 Madera, CA 93639	Director (Finance Officer)	X		*
David Bacigalupo 445 Midland Visalia, CA 93291	Director	X		*
Michael Cardenas 1129 W. Scott Fresno, CA 93711	Director	X		*
Additional names following page)				

PARTIES TO APPLICATION

8. Complete the following Table with respect to all parties to this application:

(NOTE: If the applicant considers that to furnish complete information would pose an unreasonable burden, it may request that the Commission waive the strict terms of this requirement with appropriate justification.)

INSTRUCTIONS: If applicant is a corporation or an unincorporated association with 50 or fewer stockholders, stock subscribers, holders of membership certificate or other ownership interest, fill out all columns, giving the information requested as to all officers, directors and members of governing board. In addition, give the information as to all persons or entities who are the beneficial or record owners of or have the right to vote capital stock, membership or ownership interests or are subscribers to such interests. If the applicant has more than 50 stockholders, stock subscribers or holders of membership certificates or other ownership interests, furnish the information as to officers, directors, members of governing board, and all persons or entities who are the beneficial or record owners of or have the right to vote 1% or more of the capital stock, membership or ownership interests. If applicant is a governmental or public educational agency, board or institution, fill out columns (a), (b), and (c) as to all members of the governing board and chief executive officers.

Name and Residence Address(es) (a)	Office Held (b)	Director or Member of Governing Board		% of: Ownership (O) or Voting Stock (VS) or Membership (M) (d)
		YES	NO	
		(c)		
Lewis S. Eaton 4115 N. Van Ness Fresno, CA 93704	Director	X		*
Franklin Gindick 503 Ranch Road Visalia, CA 93279	Director	X		*
Carolyn Golden 478 E. Kelso Fresno, CA 93710	Director	X		*
Ernie Poore 3343 Kerckhoff Fresno, CA 93702	Director	X		*

Valley Public Television, Inc.
File No. BPET-900904KF
Response Required by
FCC Form 340
Part II, Question 2

EXHIBIT A

Valley Public Television, Inc. ("Valley") is a California non-profit, public benefit corporation that is organized for the purpose of establishing and operating noncommercial educational television broadcast services in the San Joaquin Valley in Central California.

Valley's specific chartered purpose is to "develop, finance and operate non-commercial educational broadcast facilities in the San Joaquin Valley, including, without limitation, the cities of Fresno and Bakersfield, California, for the benefit of an area including, but not limited to, Kings, Madera, Tulare, Kern and Fresno Counties: the coordination of educational cultural, governmental, and other interests to service such facilities; and to do all things reasonable, necessary, suitable, proper, convenient, or incidental to the aforesaid purposes, including the broadcasting of an I.T.V. signal while school is in session...."

Valley is the licensee of KVPT-TV, Channel 18, in Fresno, California. Valley (formerly KMTF, Channel 18, Inc.) has been the licensee of KVPT-TV (formerly KMTF(TV)) since 1987 when the Commission granted the assignment of license from the Fresno

County Board of Education to KMTF, Channel 18, Inc. As shown by documents on file with the Commission in that assignment proceeding, Valley was assigned the license to relieve a financial drain on the Fresno county schools, and yet allow the continuance of the station's school instructional programs. See Exhibits A and 1 of BALET-870701KE as originally filed, which documentation is incorporated herein by reference.

As noted in Exhibit 1 to the present application, Valley is an affiliate of the Public Broadcasting Service and carries all of its educational programs. Additionally, Valley collaborates with central California schools to produce educational programs. Valley's educational purpose has not changed. The Legislature of the State of California declared "[t]eachers in Fresno public schools have consistently utilized the programming of Channel 18, to enhance their respective school instructional programs, and to provide home and classroom assignments, and continuance of Channel 18 will confer a substantial benefit upon the Fresno public schools." See Exhibit A of BALET-870701KE.

Valley's purpose and objective in seeking a television station at Bakersfield is to offer specialized and local educational television to the presently under-served area of Kern County in Central California.

Operating a satellite/semi-satellite of KVPT-TV, Valley will

be able to offer the educational programming currently delivered over that station to the Bakersfield area, in furtherance of its purpose to bring noncommercial educational television to the San Joaquin Valley. The operation of the station at Bakersfield will be integrated into the overall educational objectives of Valley. As stated in Exhibit 3 of its application, Valley will establish at least two additional positions on its Board of Directors and will also establish a Bakersfield area KVPT Advisory Board to advise the Valley Board of Directors of the educational needs of the Bakersfield community.

Valley Public Television, Inc.
File No. BPET-900904KF
Response Required by
FCC Form 340
Part II, Question 2

EXHIBIT B

Valley Public Television, Inc. ("Valley") is a California non-profit, public benefit corporation governed by a nine member Board of Directors. Additionally, in the event a license is issued to Valley to operate a station on Channel *39 in

Tulare, Fresno and Kings Counties which make it a distinct geographical area which is represented by all members of Valley's Board.

As shown by the attached biographical resumes, members of the current Board of Directors show substantial and varied professions and activities evidencing broad representation of the educational, cultural and civic segments of the area known as the San Joaquin Valley.

These Board members also have affiliations in the Bakersfield area which affords a broad representation of the interests of that community. For example, Lewis S. Eaton, Director of Valley, is also a Director of P.G. & E., serving an area which includes Bakersfield, and a board member of Grundfos Pump, also in Bakersfield. Additionally, Mr. Eaton currently serves as Director Emeritus of Glenfed Federal Bank, located in Bakersfield. William Lyles, apart from his role as Director of Valley, owns the Kaweah Construction Company and the W. M. Lyles Co., both located in Bakersfield. Mr. Lyles also serves as a Board Member for the Community First Bank in Bakersfield. Ernie Poore's background includes a career in education. He previously held the post of Chairman of the State of California County Schools Superintendents for the area including all of Kern County. Mary Louise Vivier has taught at California State University, Bakersfield, and currently serves as District Chair for the American Association of

University Women for the Fresno/Bakersfield area. Other members hold property in Bakersfield, own businesses that serve Bakersfield residents, and belong to civic and cultural associations and groups which operate within Valley's proposed service area. The breadth and variety of experience and activities of each of the current Board members, enhanced by the inclusion of two more members who will be residents of Bakersfield, ensures that the Bakersfield educational, cultural and civic segments will be broadly represented by Valley's Board.

LEWIS S. EATON
BIOGRAPHY

WORK EXPERIENCE

1990 - Present: Glenfed Federal Bank - Chairman
Northern California Division

Glenfed Federal Bank - Director Emeritus
5554 California Avenue, Bakersfield, CA 93309

1973 - 1990: Guarantee Financial Corporation - Chairman

1956 - 1980: Guarantee Savings and Loan Association - President

EDUCATION

Stanford University - Graduate, Class of 1942

BOARDS/ORGANIZATIONS

Current:

P.G. & E. - Director (Area: Bakersfield, CA to the south and north
to California border.)

Grundfos Pump - Board Member (Bakersfield/Fresno, CA)

Valley Public Television, Inc. - Director

Stanford University Associates - Member

Board of Governors, California State University, Fresno Foundation - Vice Chairman

Yosemite National Institutes - Director

MGIC Investment Corporation - Director

Member of Fraternal Organizations: International Fraternity of Lambda Alpha,
Beta Gamma Sigma, Alpha Kappa Psi

Past:

National Parks Advisory Board, Western Region

California Museum Foundation, Trustee

Business Division Advisory Council, Cal. St. U., Fresno - Member/President

California Savings and Loan League - President

Fresno City Board of Education - Member/President

BIOGRAPHY

MARY LOUISE VIVIER

BIOGRAPHY

PROFESSION

Kaweah Delta District Hospital - Clinical Nurse Specialist, Chronic Illness

California State University, Bakersfield, External Degree Program - Nursing Instructor

EDUCATION

University of California, Berkeley - B.S. (1958)

University of California, San Francisco - M.S. (1967)

BOARDS/ORGANIZATIONS

League of California Cities, South San Joaquin Area (Bakersfield to South,
Madera to North) - 2nd Vice President

Visalia City Councilmember

American Association of University Women, District Chairman (Fresno/Bakersfield)

Valley Public Television, Inc. - Chairman of the Board

Visalia Chamber of Commerce - Ambassador/Various Other Committee Chairmanships

Visalia Community Bank - Director

Kaweah Delta District Hospital Foundation - Director

Creative Center for the Handicapped - Director

Kaweah Business and Professional Women - Member/Past President

ERNIE POORE

BIOGRAPHY

WORK EXPERIENCE

Fresno County Department of Education - Superintendent (1967-1983) (Retired)

Previous Positions: Teacher, Counselor, Consultant, Coordinator, Director
Assistant Superintendent (Education System)

EDUCATION

California State University, Fresno - B.S.

Harvard Graduate School

Stanford University - Post Graduate Studies

EDUCATIONAL PROGRAMS IMPLEMENTED

Project READ, Day Care Centers, Student Optimum Success, Bilingual Programs, Migrant Education, Early Childhood Program, Vocational Education, NPC Youth Tutoring Youth, Closed Circuit Instructional Television (KVK-21) for Central San Joaquin Valley, Educational License to Operate KMTF Public Television (now known as KVPT Valley Public Television on a Community License).

BOARDS/ORGANIZATIONS

Valley Public Television, Inc. - Director

State of California County Schools Superintendents', Area IV - Past Chairman
(Area IV comprised of Kern, Tulare, Madera, Merced, Mariposa, Kings and Fresno Counties)

Older Americans Organization - President

Economic Opportunities Commission - Board Member

FRANKLIN GINDICK

BIOGRAPHY

WORK EXPERIENCE

Present - Chairman and Chief Executive Office - Nash De Camp Company

Past - Chief, Fruit and Vegetable Section - Office of Price Administration
Washington, D.C.

EDUCATION

University of California, Berkeley - B.S. Agricultural Economics

BOARDS/ORGANIZATIONS

Valley Public Television, Inc. - Director

California Grape and Tree Fruit League, Past President
(Recipient of prestigious "Mentor's Award" - 1991)

California Table Grape Commission, Member

Mineral King National Bank, Vice Chairman of the Board

Kaweah Delta Hospital Foundation, Director

DAVID BACIGALUPO

BIOGRAPHY

WORK EXPERIENCE

PRESENTLY: Consultant for Petroleum Business - Clients in Bakersfield, CA

1990: Retired as Chairman of Board - Beacon Oil Company

1981-1987: President - Beacon Oil Company
(Employed by Beacon 1956-1990)

Industrial Property Owner in Bakersfield, CA with Warehouse at 3019 16th St.

BOARD INVOLVEMENT/ASSOCIATIONS

American Independent Refiners Association - President

Valley Public Television, Inc. - Director

Catholic Diocese Financial Board - Member (Area: Bakersfield to the south/
Merced to the north)

Santa Clara University Graduate School of Business - Advisory Board Member

Petroleum Club of Bakersfield - Member

Wish Upon A Star

CAROLYN GOLDEN

BIOGRAPHY

WORK EXPERIENCE

1989-Present: Victim Services Supervisor - Fresno County Probation Department

1974-1989: Various Positions Including Deputy Probation Officer -
Fresno County Probation Department

EDUCATION

1973: B.S. Degree in Criminology - California State University, Fresno

1971: A.A. Degree in Liberal Arts - Fresno City College

COMMUNITY INVOLVEMENT

California Victim/Witness Coordinating Council Covering All Major Cities,
Including Fresno and Bakersfield.

Director, Valley Public Television, Inc. (KVPT-TV Channel 18)

Former Member, Channel 18 Board of Management

Friends of Channel 18

Black Peace Officers' Association

Women's Criminal Justice Association

Alpha Kappa Sorority, Iota Iomicron

JOHN G. WISSLER
REAR ADMIRAL U.S. NAVY, RETIRED

BIOGRAPHY

WORK EXPERIENCE

1982 - Present: Part Time Faculty - California State University, Fresno
University of So. California
Chairman - Madera County Juvenile Justice Commission
Foreman - Madera County Grand Jury
Advisor - Mordecai Ranch Partnership

1962 - 1982: Senior Management - United States Navy

1948 - 1963: Test Pilot/Project Manager - United States Navy

EDUCATION

George Washington University, Washington D.C. - MSBA (1968)
National Defense University, Washington D.C. - (1967-68)
U.S. Naval War College, Newport, RI (1962-63)
College of St. Thomas, St. Paul, MN (1944-45)

BOARDS/ORGANIZATIONS

Republican Central Committee (2nd Vice President) - Seven County Area
in San Joaquin Valley, CA (Including: Kern, Fresno, Kings, Tulare,
Madera, Mariposa, and Merced Counties.)

California Farm Bureau Board Member

Valley Public Television, Inc. - Director

Society of Experimental Test Pilots

American Institute of Aeronautics and Astronautics

International Test and Evaluation Association

Rotary International

MICHAEL CARDENAS, C.P.A.

BIOGRAPHY

PROFESSION

Michael Cardenas Accountancy Corporation - Owner/Manager

J & M Enterprises (Investments) - Partner

Administrator - Small Business Administration (Washington D.C.) (1981-82)

EDUCATION

California State University, Fresno - B.A. (1956)

Real Estate License and Continued Education - 1960 to Present

C.P.A. License and Continued Education - 1965 to Present

BOARDS/ORGANIZATIONS

Valley Public Television, Inc. - Director (1987 to Present)

Latin-American Businessmen's Association Charter Member
(Man of the Year - 1979)

Commonwealth Club of California, San Francisco - Member

California Small Business Development Board - Governor Appointee

California State Bar Board of Legal Specialization

Community Hospitals of Central California Foundation

City of Fresno Little Hoover Commission

RADIOFREQUENCY RADIATION STATEMENT
KERO-TV, McGraw-Hill Broadcasting Co., Inc.

It has been determined by field measurement that the KERO-TV transmitter site is in compliance with Section 1.1305 of the Commission's rules.

The KERO-TV transmitter is located atop 7,500 foot Breckenridge Mountain, 22 miles ENE of Bakersfield, California. The site is on a remote, isolated knoll in the Sequoia National Forest. The flat portion of the site is surrounded by a security fence with locked gates and is inaccessible to the public.

The field measurements were made on July 19, 1988, by KERO-TV personnel using a narda/Microline Electromagnetic Radiation Monitor, Model 8315A, S/N 05051 and a narda Isotropic Probe Model 8323, S/N 06008.

Measurements were made around all operating equipment, in all rooms of the transmitter building, over the entire exterior grounds inside and outside of the perimeter fence, on all short towers, the building roof and the main KERO-TV antenna tower to the fifty foot level.

The field measurements show that no members of the public, station personnel or on-site workers will be subject to exposure to radiation in excess of the applicable safety standards in those areas.

The station will take such steps as are necessary, including reduction in power or cessation of operation, to prevent exposure to unsafe levels of radiation on the part of maintenance personnel who are required to work in the immediate vicinity of the KERO-TV transmitting antenna.

Submitted by:

Norman E. Hall
Norman E. Hall, Chief Operator

Measurements by:

Norman E. Hall
Norman E. Hall, Chief Operator

and:

H. Lee Jackson
H. Lee Jackson, Acting Chief Operator

UNANIMOUS WRITTEN CONSENT OF BOARD OF DIRECTORS OF
VALLEY PUBLIC TELEVISION, INC.

We, the undersigned, constituting the entire Board of Directors of VALLEY PUBLIC TELEVISION, INC., a California corporation, unanimously adopt, approve, and consent to the following Resolutions:

RESOLVED, that the following amendment to the Articles of Incorporation of this Corporation is adopted and approved:

ARTICLE II of the Articles of Incorporation is amended to read in its entirety as follows:

II

PURPOSES

This corporation is a non-profit, public benefit corporation and is not organized for the private gain

coordination of educational, cultural, governmental and other interests to service such facilities; and to do all things reasonable, necessary, suitable, proper, convenient, or incidental to the aforesaid purposes.

RESOLVED, that the following amendment to the Bylaws of this Corporation is adopted and approved:

Article I of the Bylaws is amended to read in its entirety as follows:

BYLAWS

OF

VALLEY PUBLIC TELEVISION, INC.

A California Non-Profit Corporation

ARTICLE I

PURPOSES

This Corporation is a non-profit, public benefit corporation and is not organized for the private gain of any person. It is organized under the Non Profit

Kern and Fresno Counties; the coordination of
educational, cultural, governmental, and other
interests to service such facilities, and to do all